

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BAILEE JEAN BUTTERWORTH,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:21-cv-00374-ADA-HBK

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, GRANTING
PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT, DENYING DEFENDANT'S
CROSS-MOTION FOR SUMMARY
JUDGMENT, AND REMANDING TO THE
COMMISSIONER OF SOCIAL SECURITY

(ECF Nos. 22, 23, 25)

Plaintiff Bailee Jean Butterworth initiated this action seeking judicial review of a final decision of the Commissioner of Social Security. (ECF No. 1.) This matter was referred to the assigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302(c)(15).

On July 13, 2023, the assigned Magistrate Judge issued findings and recommendations recommending the undersigned grant Plaintiff's motion for summary judgment, deny Defendant's cross-motion for summary judgment, and remand for further administrative proceedings for the Administrative Law Judge's (ALJ) failure to include the requisite explanation of how the ALJ considered the supportability and consistency of the medical opinions presented against the evidentiary record. (ECF No. 25 at 9–13.) The findings and recommendations found the ALJ's rejection of the included medical opinions to be unsupported by substantial evidence. (*Id.* at 13.)

1 The findings and recommendations contained notice that any objections were due within fourteen
2 (14) days. (*Id.* at 15.) No objections have been filed, and the deadline for doing so has passed.

3 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), the Court has conducted a
4 *de novo* review of this case. Having carefully reviewed the entire file, the Court concludes the
5 findings and recommendations are supported by the record and proper analysis.

6 Accordingly, IT IS SO ORDERED:

- 7 1. The findings and recommendations issued on July 13, 2023 (ECF No. 25), are
8 ADOPTED in full;
- 9 2. Plaintiff's Motion for Summary Judgment (ECF No. 22) is GRANTED;
- 10 3. Defendant's Motion for Summary Judgment (ECF No. 23) is DENIED;
- 11 4. Pursuant to 42 U.S.C. § 405(g), the Commissioner's decision is REVERSED and
12 REMANDED for further proceedings consistent with this Order; and,
- 13 5. The Clerk of the Court shall enter judgment for Plaintiff, terminate any deadlines, and
14 close this case.

15
16
17 IT IS SO ORDERED.

18 Dated: August 31, 2023

19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT JUDGE